

MT LEGISLATIVE HISTORY

Year 1985Bill # HB 717Original bill & hist. CH. Committee on JudS. Committee on JudHearing Date(s) 2-19 CHearing Date(s) 3-11 C C3-24 C C C C CDate Out 2-19 CDate Out 3-24 C rpt 2-19 rpt 3-24Did this bill originate in an interim committee? Yes NoCommittee

Minutes

Report

The Law Library has no free conference committee minutes for this bill.

HOUSE FINAL STATUS

RETURNED TO HOUSE
 3/14 SIGNED BY SPEAKER
 3/14 SIGNED BY PRESIDENT
 3/14 TRANSMITTED TO GOVERNOR
 3/18 SIGNED BY GOVERNOR
 CHAPTER NUMBER 100 EFFECTIVE DATE: 10/01/85

HB 716 INTRODUCED BY THOFT, HARPER, COBB
 GENERALLY REVISING COUNTY WEED CONTROL LAWS

2/08 INTRODUCED
 2/08 REFERRED TO AGRICULTURE, LIVESTOCK & IRRIG.
 2/13 HEARING
 2/22 COMMITTEE REPORT-BILL PASS AS AMENDED
 2/22 STATEMENT OF INTENT ATTACHED
 2/25 2ND READING PASS AS AMENDED 95 1
 2/27 3RD READING PASS 100 0

TRANSMITTED TO SENATE
 3/05 REFERRED TO AGRICULTURE, LIVESTOCK & IRRIG.
 3/11 HEARING
 3/16 COMM REPORT-BILL CONCURRED AS AMENDED
 3/22 2ND READING CONCURRED 48 0
 3/25 3RD READING CONCURRED 49 0

RETURNED TO HOUSE WITH AMENDMENTS
 4/09 2ND READING AMENDMENTS CONCURRED 96 1
 4/09 ON MOTION RULES SUSPENDED
 PLACED ON 3RD READING THIS DAY
 4/09 3RD READING AMENDMENTS CONCURRED 90 7
 4/16 SIGNED BY SPEAKER
 4/16 SIGNED BY PRESIDENT

4/18 TRANSMITTED TO GOVERNOR
 4/23 SIGNED BY GOVERNOR
 CHAPTER NUMBER 607 EFFECTIVE DATE: 10/01/85

HB 717 INTRODUCED BY WALDRON
 AWARD JOINT CUSTODY, ONLY WHEN BOTH PARENTS REQUEST

2/08 INTRODUCED
 2/08 REFERRED TO JUDICIARY
 2/19 HEARING
 2/20 COMMITTEE REPORT-BILL PASS AS AMENDED
 2/21 2ND READING PASS 99 0
 2/23 3RD READING PASS 92 3

TRANSMITTED TO SENATE
 3/04 REFERRED TO JUDICIARY
 3/11 HEARING
 3/26 COMM REPORT-BILL CONCURRED AS AMENDED
 3/29 2ND READING CONCURRED 50 0
 3/30 3RD READING CONCURRED 45 4

RETURNED TO HOUSE WITH AMENDMENTS
 4/08 2ND READING AMENDMENTS NOT CONCURRED 94 1
 4/09 FREE CONFERENCE COMMITTEE APPOINTED
 4/22 FREE CONFERENCE COMMITTEE REPORT

HOUSE FINAL STATUS

HOUSE

4/23	2ND READING FREE CONFERENCE COMMITTEE		
	REPORT ADOPTED	90	6
4/23	3RD READING FREE CONFERENCE COMMITTEE		
	REPORT ADOPTED	94	3

SENATE

4/23	2ND READING FREE CONFERENCE COMMITTEE		
	REPORT ADOPTED	49	0
4/23	3RD READING FREE CONFERENCE COMMITTEE		
	REPORT ADOPTED	48	0

5/01 SIGNED BY SPEAKER
5/01 SIGNED BY PRESIDENT

5/02 TRANSMITTED TO GOVERNOR
5/13 SIGNED BY GOVERNOR
CHAPTER NUMBER 727 EFFECTIVE DATE: 10/01/85

HB 718 INTRODUCED BY ADDY, DONALDSON, ET AL.
UNIFORM GRIEVANCE PROCEDURE FOR STATE EMPLOYEES

2/08	INTRODUCED		
2/08	REFERRED TO BUSINESS & LABOR		
2/08	FISCAL NOTE REQUESTED		
2/12	HEARING		
2/13	COMMITTEE REPORT-BILL PASS AS AMENDED		
2/14	FISCAL NOTE RECEIVED		
2/16	2ND READING PASS	91	5
2/19	3RD READING PASS	81	18

TRANSMITTED TO SENATE

2/21	REFERRED TO LABOR & EMPLOYMENT RELATIONS		
3/14	HEARING		
3/20	ADVERSE COMMITTEE REPORT	50	0
3/20	STATEMENT OF INTENT ATTACHED		
3/20	BILL KILLED		

HB 719 INTRODUCED BY SCHYE
REVISE AIRCRAFT TAXATION AND DISPOSITION OF PROCEEDS

2/08	INTRODUCED		
2/08	REFERRED TO TAXATION		
2/08	FISCAL NOTE REQUESTED		
2/14	FISCAL NOTE RECEIVED		
2/14	FISCAL NOTE REQUESTED		
2/19	HEARING		
	DIED IN COMMITTEE		

HB 720 INTRODUCED BY J. BROWN, MILES, ET AL.
ESTABLISHING A LONG-TERM CARE OMBUDSMAN
BY REQUEST OF OFFICE OF THE GOVERNOR

2/08	INTRODUCED		
2/08	REFERRED TO HUMAN SERVICES & AGING		
2/08	FISCAL NOTE REQUESTED		
2/13	HEARING		
2/14	FISCAL NOTE RECEIVED		
2/18	COMMITTEE REPORT-BILL PASS AS AMENDED		
2/20	2ND READING PASS AS AMENDED	54	44

(To be kept current -- post bills when entering being heard or leaving committee.)

Form CS-32

STATUS SHEET

FORTY-NINTH

LEGISLATIVE SESSION

COMMITTEE ON JUDICIARY

HOUSE BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CON- CURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CON- CURRED IN DATE
HB 681	2/5/85	2/8/85 2/7/85	2/8/85			2/8/85			
HB 186	2/5/85	2/7/85 2/8/85	2/8/85			2/8/85			
HB 686	2/6/85	2/22/85 2/23/85	2/23/85			2/23/85			
HB 700	2/7/85	2/18/85	2/18/85			2/18/85			
HB 706	2/7/85	2/18/85	2/18/85	2/18/85					
HB 710	2/7/85	2/18/85	2/18/85			2/18/85			
HB 712	2/7/85	2/18/85	2/18/85			2/18/85			
HB 714	2/7/85	2/18/85 2/20/85	(Tabled	2/20/85)	(Sent out to floor	2/25/85)			
HB 341	2/7/85 (re-referred)	2/16/85	2/16/85	2/16/85					
HB 717	2/8/85	2/19/85	2/19/85			2/19/85			
HB 722	2/8/85	2/19/85	2/19/85			2/19/85			
HB 726	2/8/85	2/19/85	2/19/85	2/19/85					
HB 447	2/8/85 (referred back to committee)	2/18/85				2/18/85			
HB 738	2/9/85	2/19/85	2/19/85			2/19/85			
HB 742	2/9/85	2/19/85	2/19/85		2/19/85				
HB 744	2/9/85	2/20/85	2/20/85	2/20/85					

MINUTES FOR THE MEETING
JUDICIARY COMMITTEE
MONTANA STATE
HOUSE OF REPRESENTATIVES

February 19, 1985

The meeting of the Judiciary Committee was called to order by Chairman Tom Hannah on Tuesday, February 19, 1985 at 7:10 a.m. in Room 312-3 of the State Capitol.

ROLL CALL: All members were present.

CONSIDERATION OF HOUSE BILL NO. 717: Rep. Steve Waldron, District #58, sponsor of the bill, appeared and offered testimony in support of the bill. This bill provides for the award of joint custody to parents when it is requested by both parents. Rep. Waldron said that the law is unclear as to exactly what joint custody is. Rep. Waldron further stated that in talking with a few attorneys on this issue, they informed him that joint custody, in cases where the parties are hostile towards each other, does not work very well. Consequently, he wrote the bill so that if both parties want the joint custody, then the court would award custody without order of preference according to the best interests of the child.

Nick Tomaski from Harlem, appeared and offered testimony in support of the bill. His written testimony was marked Exhibit A and attached hereto.

Bailey Molineux, representing the Montana Psychological Association and director of the Family Teaching Center, testified in support of the bill. He said that research is finding that joint custody is in the best interests of the children if certain conditions are met. The primary condition is if parents are able to cooperate.

There being no further proponents, Chairman Hannah asked if there were any opponents present to testify.

Anne Brodsky, representing the Women's Lobbyist Fund, spoke in opposition to the bill. She asked that the committee consider that custody cases are very individual ones, and that it is extremely difficult at present for one parent to obtain joint custody if the other parent opposes it. Most of all, the child's best interests should be the determining factor in any custody order. A copy of her written testimony was marked Exhibit B and attached hereto.

There being no further opponents, Rep. Waldron closed. He stated that this bill provides that the decision of joint

custody is left to the discretion of the court.

Rep. Krueger commented that he feels the bill would prohibit the court as an objective overseer. Following a few general questions, hearing closed on HB 717.

CONSIDERATION OF HOUSE BILL NO. 722: Rep. Jerry Nisbet, District #35, chief sponsor of the bill, testified. He said this bill deals with a 1939 statute which was designed to make people who make defamatory statements liable while not punishing an innocent radio broadcaster. Since 1939, there have been obvious changes in the communication world. This bill would simply extend that same provision to television and cable casters. The concern arose because Great Falls and Missoula are in the process of looking at some public access channels on the local cable systems. There may be a situation where a city or some other governmental entity might have some problems in that area.

Bob Vermillion, attorney from Great Falls, spoke in favor of HB 722. A copy of his written statement was marked as Exhibit C and is attached hereto.

Jerry Loendorf, representing the Montana Broadcasters Association, wished to go on record as supporting this bill.

There being no further proponents or opponents, Rep. Nisbet closed.

The floor was opened to questioning.

Rep. Addy wondered if Section 2 of the bill was a blatant infringement of the first amendment. Mr. Vermillion responded by saying that he feels the bill is doing just the opposite. He feels that it will encourage more freedom of expression.

There being no further discussion, hearing closed on HB 722.

CONSIDERATION OF HOUSE BILL NO. 738: Rep. Addy, District #94, chief sponsor of the bill, testified. This bill is a clarification of the Medical Legal Panel Act. Rep. Addy pointed out some of the changes that have been made which are indicated in the bill. He stated that the administrative remedy is really working well in that it has really cut down the number of lawsuits that have been filed in court.

Jerry Neely, representing the Montana Medical Legal Panel, testified in support of this bill. He prepared an explanation of the proposed amendments to the Montana Medical Legal Panel, and submitted the copies to the committee members. The explanation was marked Exhibit D and attached.

Bill Leary, president of the Montana Hospital Association, appeared in support of HB 738.

Rep. Brown moved that HB 738 DO PASS AS AMENDED. The motion was seconded by Rep. Hammond and further discussed.

Rep. Eudaily expressed his opposition in allowing corporations to be brought before the panel.

Rep. Hannah moved another amendment on page 2, lines 8 and 9 by reinstating the original language. Following further discussion, Rep. Hannah withdrew his motion to amend.

The question was called on the DO PASS AS AMENDED motion, and the motion carried with Reps. Eudaily, Hannah and Montayne dissenting.

CONSIDERATION OF HOUSE BILL NO. 17: Rep. Keyser moved that HB 17 DO PASS. The motion was seconded by Rep. Montayne. Rep. Grady moved that the proposed amendments be adopted. The motion was seconded by Rep. O'Hara and discussed.

Rep. Eudaily asked if the requirement of written notice was being eliminated, since the bill states that property is closed if the painted markers alone are present. Brenda Desmond, committee researcher, responded by saying yes, written notice is required; however, under section 4, if the person has a painted object, and if the written notice is no longer affixed to that object, a person still may be charged with trespass.

Rep. Eudaily stated that the inspection requirement should be changed to at least 15 days before the fishing and hunting season opens so that the public can learn that the property is closed before the season opens.

Rep. Hannah spoke against the amendments. He feels that the landowner has a fundamental right, and by adopting these amendments, a whole new bill would be required.

Rep. Keyser pointed out that the landowners are not happy with the present law, nor does he feel they will be happy with HB 17 with its proposed amendments.

Following further debate, the committee came to an agreement to move to suspend the rules on the floor and request a new bill.

ACTION ON HOUSE BILL NO. 717: Rep. Hammond moved that HB 717 DO PASS. The motion was seconded by Rep. Bergene.

Rep. Krueger moved the following amendments:

1. Title, line 6.

Strike: "MAY"

Following: "AWARDED"

Strike: ", "

Following: "PREFERENCE"

Strike: ", ONLY" through "IT" on line 7.

2. Page 3, line 4.

Following: "disputes"

Strike: "it" through "child" on line 5.

Insert: "the court finds joint custody in the best interests of the children in the case then before the court. The intent of 40-4-222 through 40-4-225 is to establish certain guidelines for resolution of custody disputes"

3. Page 3, line 15.

Following "or"

Strike: "upon" through "parents"

The motion was seconded by Rep. Hammond, and the question called. The motion to amend carried with Reps. Montayne and Keyser dissenting.

Rep. Addy moved that HB 717 DO PASS AS AMENDED. The motion was seconded by Rep. Gould and carried with Reps. Montayne, Hannah, Poff and Keyser dissenting.

RE-CONSIDERATION OF HOUSE BILL NO. 366: Rep. Gould moved to reconsider action on HB 366 which was tabled by the committee. Rep. O'Hara seconded the motion.

Rep. Brown objected to the motion to reconsider, as he pointed out that the full committee is not present. Rep. Kreuger also stated his objection to voting on this when all the committee members are not present. For that reason, no further action was taken on HB 366.

ADJOURN: A motion having been made and seconded, the meeting was adjourned at 1:05 p.m.


REP. TOM HANNAH, Chairman

STANDING COMMITTEE REPORT

February 10 1965

page 1 of 2 (HB 717)

MR. SPEAKER:

We, your committee on JUDICIARY

having had under consideration HOUSE Bill No. 717

FIRST reading copy (WHITE)
color

AWARD JOINT CUSTODY, ONLY WHEN BOTH PARENTS REQUEST

Respectfully report as follows: That HOUSE Bill No. 717

be amended as follows:

1. Title, line 6.

Strike: "MAY"

Following: "AWARDED"

Strike: ", "

Following: "PREFERENCE"

Strike: ", ONLY" through "IF" on line 7.

2. Page 2, line 4.

Following: "disputes"

Strike: "it" through "child" on line 5.

Insert: "The court finds joint custody in the best interests of the children in the case then before the court. The intent of 40-4-222 through 40-4-225 is to establish certain guidelines for resolution of custody disputes"

YBOPASS:

(continued)

February 19

85

19

page 2 of 2 (HB 717)

3. Page 3, line 15.

Following: "or"

Strike: "upon" through "parents"

AND AS AMENDED,
DO PASS

SK

CHAIRMAN--MAZUREK, JOE

SECRETARY-STALEY, CINDY

NORMAL SCHEDULE==> SITE: OLD SUPREME COURT ROOM

DAYS: M-TU-W-TH-F

TIME: 10:00 A.M.-12 NOON

BILL NO	REFER DATE	HEARING DATE	CONSIDERATION DATES	COMMITTEE ACTION	REREFERRED TO COMM	DATE OUT
HB0681	2/15	3/15		CONCUR AS AMENDED		3/19
BROWN, JAN			ALLOW RELEASE OF CONFIDENTIAL HEALTH INFORMATION TO MEDIA & LAW ENFORCEMENT			
HB0700	2/22	3/15	3/20 3/26	CONCUR AS AMENDED		3/28
MERCER, JOHN A.			REGULATE PLEA BARGAINS; REQUIRE GOOD CAUSE BE SHOWN FOR DISMISSAL			
HB0706	2/22	3/15		CONCUR AS AMENDED		3/15
MERCER, JOHN A.			CLARIFY THE ARSON LAW			
HB0712	3/04	3/18		TABLED		3/20
MILLER, RON			CREATING LIEN FOR FERTILIZER AND CHEMICAL APPLICATORS			
HB0713	2/22	3/19		CONCUR		3/19
WALLIN, NORM			INCLUDE VOLUNTEER FIREFIGHTERS IN GOOD SAMARITAN LAW LIMITING LIABILITY			
HB0714	3/05	3/19		CONCUR		3/23
SPAETH, GARY			CLARIFY DEFINITION OF "CLAIM" UNDER MONTANA'S TORT CLAIMS LAW			
HB0717	3/04	3/11		CONCUR AS AMENDED		3/26
WALDRON, STEVE			AWARD JOINT CUSTODY, ONLY WHEN BOTH PARENTS REQUEST			
HB0722	3/04	3/21		ADVERSE REPORT		3/23
NISBET, GERALD D.		(JERRY)	IMMUNITY OF TELEVISION BROADCASTER OR CABLECASTER FROM LIBEL			
HB0726	3/04	3/11		ADVERSE REPORT		3/13
GOULD, R. BUDD			PROBATIONARY LICENSE; 1ST REFUSAL TO TAKE BREATH TEST; PENALTY FOR VIOLATION			
HB0760	3/05	3/26	3/22--Tabled	CONCUR		3/26
NATHE, DENNIS G.			DISSOLUTION DECREE MAY NOT BE ENTERED UNTIL 90 DAYS AFTER FILING AND SERVICE			
HB0778	3/06	3/18		CONCUR AS AMENDED		3/28
SPAETH, GARY		3/22	REVISE ATTORNEY FEE PROVISIONS OF WORKERS' COMPENSATION ACT			

CONSIDERATION OF HB 717: Representative Steve Waldron, sponsor of HB 717, stated this bill attempts to make joint child custody an option along with other custody options. Under this law, if you do not provide for child custody, you must tell why. One of the problems is the judge says there will be joint custody, but the law is so new, we don't know what that means. We need some sort of definition. Joint legal custody with all of the major decisions approved by both parents and joint physical custody are two separate matters. The bill attempts to define what joint custody means and requires that the judge has to have a plan submitted so he will know what's going to happen and how it will be implemented. If a judge does not order child support, then they can say there is no child support. The bill requires the judge to tell why he is not ordering child support. One problem we are seeing with child custody is that husbands are using this as a bargaining tool to get lower child support payments. In abuse situations, spouses will force someone to go along with joint custody. The best joint custody is when both parents are supportive. By making it mandatory, you may be creating some problems that may otherwise not have been created.

PROPOSERS: Klaus Sitte, managing attorney from the Missoula Montana Legal Services Association office, spoke on behalf of the bill as it had been originally drafted. The bill tries to accomplish two things. One is to clarify child support. In joint custody situations, both people must be the ones that solve the problems and not the courts. The court needs to state the reason why no child support is awarded. Joint custody is a new concept and is not a question of fathers' rights versus mothers' rights. He is convinced it can only operate in a situation where two people can work to make it in the best interests of the children. He felt the committee should put back in the language where it is given on the application of both parents. He stated 50% of women in relationships will be abused. He questioned how a joint decision is reached in a situation where the power struggle remains the same. He has never seen a judicially-imposed joint custody situation work. Joint custody should not be a cop out for the inability of the court to make a decision. He wants to find out if the court understands joint custody. This proposed legislation is a piece of hope. It is a good concept, but it allows the courts the widest degree of latitude. The legislature did not want to relieve the court from making decisions. Children are the least able to express themselves. Caryl Wickes Borchers, representing the Montana Coalition Against Domestic Violence, testified they would like the amendment back to where they both feel they want joint custody. Dr. Bailey Molineaux, representing the Montana Psychological Association, testified they support the concept of this bill and SB 152. He suggested an amendment to page 5, line 5. They would like to see mediation or custody counseling without consent.

OPPONENTS: Alan Nicholson, representing himself, a resident of Helena, testified he supports SB 152 but not HB 717. The language could say the court may or may not arbitrarily discriminate. It should say all forms of custody are equal, and we want to pick the best one for the child. What is more fundamental than parenting? It is a right we will have. The state should take very carefully into consideration under what conditions it will violate the right to parent. Parenting is more fundamental in some respects than the law. When we separate a parent from his child, it should be done only under some extreme circumstances. Bill Leinewer testified he was a fugitive because there was no joint custody up until a few months ago. He could not leave his children in the situation they were in. This will make you feel like you at least have a chance when you go into court. Douglas Grob, of Kalispell, testified in the long run, children, fathers, and mothers do better post-divorce. Five states have mandatory joint custody. Joint custody is more than a viable alternative. It is something this state should try to enhance. Bill Riley, of Helena, stated this is not a men's or women's issue. It is a children's issue. It is to perpetrate two things--the adversarial relationship between the parents and the loss of a parent to the child. Children in a divorced family have a lot of fear of losing their father. They utilize a fantasy denial. There is a rise in aggressive behavior. Many blame themselves. There are loyalty conflicts and physical harm situations. The visitation suggested in HB 717 won't work.

QUESTIONS FROM THE COMMITTEE: None.

CLOSING STATEMENT: Representative Waldron stated he could not figure out what the opponents were testifying against. The opponents support the concept of joint custody. SB 152 does not require if there will be not be child support that the court doesn't have to tell why. There is no place in the law that defines joint custody. The plan for child custody clarifies it and makes it meaningful. If the court does or doesn't provide for joint custody, it should say why or why not. Dr. Molineaux talked about the adversarial relationship. Whether or not this bill passes, that situation will occur, because a divorce is an adversarial relationship before the court. Representative Waldron suggested the court's requiring them to get counseling sounds like a good idea. His studies on joint custody have all dealt with parents where both parents were supportive of joint custody. Those cases work well.

Hearing on HB 717 was closed.

There being no further business to come before the committee, the meeting was adjourned at 12:21 p.m.


Committee Chairman

happening. He didn't think any law on either side of the issue is going to do it. Senator Towe stated he agreed with collectors and the use of weapons for legitimate display and the transporting through airports, but he questioned how we address the question that may legitimately be raised about public safety. Mr. Elwell questioned whether you could define a weapon. A weapon could be two hatchets or a stick of dynamite, neither of which would be picked up by a metal detector. If he read the bill right, it did say the city could forbid the discharge of a firearm within the city limits. Senator Towe suggested we might allow cities to prevent the carrying of weapons within certain public buildings if they weren't with displays, etc.

CLOSING STATEMENT: Representative Thoft thought he would have a great deal of trouble trying to decide which public buildings are important and which were not. It is a sad situation where someone gets harmed with a firearm, but he doesn't think the bill will change any of that.

Hearing on HB 643 was closed.

FURTHER CONSIDERATION OF HB 700: Senator Pinsoneault stated the more he has looked into this, if they established a committee to review criminal procedure rules and he thinks Judge Olson would like to try to address this through is committee and through the rules he hopes they would get drafted. His inclination would be to table the bill. Senator Mazurek suggested talking to Representative Mercer about this.

ACTION ON HB 717: Senator Mazurek stated the House has passed Senator Brown's bill in essentially the same form as it was passed through the Senate. Senator Brown's bill, as opposed to page 5, line 5, of this bill, changes the court may with the consent of both parties. That has been changed in Senator Brown's bill so we would not need to make that change here. Senator Mazurek had asked Mr. Petesch to go through Senator Brown's bill and compare it with this bill. This was to make sure the two were consistent. It seemed we did not have reference to child support and a plan for custody. Senator Towe asked why section 2 was stricken. Senator Mazurek replied because that is a completely opposite approach to Senator Brown's bill. Senator Towe pointed out the idea of a plan is in Senator Brown's bill. Senator Mazurek responded no. Senator Shaw moved HB 717 be tabled as it is all new stuff. He felt we should see what happens in the next two years. Senator Mazurek stated this bill addresses a couple of other things that are probably important. It requires the court to take into account child support in child custody situations. Senator Towe asked what Senator Brown thought of this bill. He replied if we amend it like Mr. Petesch has suggested, it seems we can improve some things. Senator Mazurek commented he felt page 2, lines 10-13, page 3, lines 20-23, and page 4, lines 7-12,

improve Senator Brown's bill. Senator Brown moved as a substitute motion that Mr. Petesch's proposed amendments be adopted (see standing committee report for text of amendments). The motion carried unanimously. Senator Brown moved HB 717 be recommended BE CONCURRED IN AS AMENDED. The motion carried with Senator Shaw voting in opposition.

FURTHER CONSIDERATION OF HB 911: The committee then discussed the proposed amendments to the bill proposed by Lorents Grosfield at the previous committee meeting. Senator Mazurek felt the first two were probably necessary, but he questioned the third. Senator Shaw stated when you come on his ranch, he has it posted, but before you get to the house, you cross four more cattleguards. He asked if he would have to post each of them. Also, he questioned whether he would have to post all of the cattleguards after his house. Senator Towe stated this bill only applied to those points where your land joins public land. You post it where it comes into this land. He asked that Mr. Petesch work these amendments into the bill. Senator Mazurek stated we had also talked about the department's having to advertise in more than their own publications. He then asked Mr. Petesch to work Mr. Grosfield's suggestions up into amendment form for the next committee meeting. Senator Towe asked about the third proposal. Senator Mazurek again stated he didn't think it was necessary. Senator Towe reiterated we didn't want that one. Senator Towe stated the fence post concerns him, because many if not all are already orange. Senator Galt asked where he ever saw an orange fence post. Mr. Petesch pointed out metal fence posts are not used at gates.

FURTHER CONSIDERATION OF HB 265: Chairman Mazurek stated the subcommittee had finished its work on the bill and would deliver its report to the committee tomorrow. He scheduled an executive session for 7:00 p.m. the next day. That would give the committee the next day to work on the bill if it ran into problems. Senator Blaylock recommended the discussion be confined to the committee. If the spectators get up and continue to testify as they have been in the subcommittee, he did not feel the committee would be able to finish its work. Senator Towe felt they should allow some time to those in attendance. He felt the way the subcommittee had handled its hearings, it may not take as long. He pointed out the subcommittee was able to reach some conclusions, and there were some areas on which it had come to an impasse. In those areas, there is a lot of outside input. He felt we should consider it if someone comes up with a brand new suggestion. Senator Mazurek suggested the word be put out they had better have any suggestions in writing to the committee so it can be part of Senator Yellowtail's report. Senator Shaw stated he would fight any attempt to open the meeting up at the executive session. He felt enough of that had been done. Senator Pinsoneault stated what has been done has been good and

STANDING COMMITTEE REPORT

Page 1 of 2

March 26

19 85

MR. PRESIDENT

JUDICIARY

We, your committee on.....

HOUSE BILL

No. 717

having had under consideration.....

third

reading copy (blue)
color

(Senator Brown)

AWARD JOINT CUSTODY, ONLY WHEN BOTH PARENTS REQUEST

HOUSE BILL

No. 717

Respectfully report as follows: That.....

be amended as follows:

1. Title, lines 5 and 6.

Following: "STATUTES" on line 5

Strike: remainder of line 5 through "PREFERENCE" on line 6

2. Title, line 11.

Following: line 10

Insert: "AUTHORIZING THE COURT TO REQUIRE CONSULTATION WITH PROFESSIONALS
IN FORMULATING OR IMPLEMENTING A CUSTODY PLAN OR ORDER;"

Following: "40-4-204"

Strike: "AND 40-4-222 THROUGH"

Insert: ", 40-4-223, AND"

3. Page 2, line 14 through line 9, page 3.

Strike: section 2 in its entirety

Renumber: subsequent sections

4. Page 3, line 13.

Following: "court"

Strike: "may"

Insert: "shall"

XXXXXX

XXXXXXXXXX

CONTINUED

Senator Joe Mazurek

Chairman.

Page 2 of 2

HOUSE BILL NO. 717

5. Page 3, line 14.

Following: "custody"

Strike: "without order of preference"

6. Page 3, line 21.

Following: "whether"

Strike: "the"

Insert: "a"

7. Page 3, line 5.

Following: "may"

Strike: "with the consent of both parties"

AND AS AMENDED

BE CONCURRED IN

.....
Senator Joe Mazurek, Chairman